



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/787,555

03/20/2001

Takanori Yokoyama

503.39781X00

3956

24956

7590

10/16/2006

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

ABEL JALIL, NEVEEN

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/787,555	Applicant(s) YOKOYAMA ET AL.	
	Examiner Neveen Abel-Jalil	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/17/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. The Amendment filed on August 17, 2006 has been received and entered. Claims 7 and 8 are pending.
2. Applicant's Amendment has overcome the previous claim objections, and rejections under 35 USC 101.

Claim Objections

3. Claims 7 and 8 are objected to because of the following informalities:

Claims 7 and 8, recite "for being" in line 15, which constitute intended use making the limitations following not ever having to take place thus carries not patentable weight. Claims should be amended to recite more direct definite language such as "to" or "that" or "sending". Correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janky et al. (U.S. Patent No. 5,777,580) in view of Menig et al. (U.S. Patent No. 6,289,332 B2).

As to claim 7, Janky et al. discloses a distributed computer system comprising:

a first computer network to which at least one device for periodically sending or receiving messages is connected (See column 9, lines 4-16, wherein “first network” reads on “WAN” network);

a second computer network to which at least one device for sending or receiving of messages in response to an event or demand is connected (See column 9, lines 21-28, wherein “second network” reads on “LAN” network); and

a gateway connected to said first and second computer networks (See column 10, lines 31-36), said gateway having periodic message receiving means for receiving messages which said first computer network sends periodically, first memory means for storing the message received by said periodic message receiving means, message value change detecting means for detecting a change of the value of the data included in each of the messages stored in said first memory means, and event message sending means for producing a message from the data stored in said first memory means when said message value change detecting means detects the change of the value of the data, and for delivering the produced message to said second computer network (See column 10, lines 50-67, wherein “periodically” reads on “broadcast” which is done between networks on periodic basis, and wherein “first network” reads on “WAN”, and wherein “second network” reads on “WAN”, and wherein “change in value” constitute a “status” update or “alert” message between two network, also see abstract, teaching how trigger event generates

Art Unit: 2165

a message, and see column 3, lines 61-67, prior art, teaches “event messages” are stored in the vehicle (i.e. LAN));

wherein said at least one device connected to said first computer network for periodically sending or receiving messages is a device (See column 9, lines 20-21), and said device for sending or receiving messages in response to the event or demand is a navigation system or an internet terminal (See column 9, lines 52-58, wherein “sending or receiving” is accomplished by a communication device).

Janky et al. teaches the claimed invention except for device is an engine controlling device or an adaptive cruise control (ACC) controlling unit.

Menig et al. teaches device is an engine controlling device or an ACC control unit (See Menig et al. column 2, lines 19-29, also see Menig et al. column 3, lines 16-26, also see Menig et al. column 19, lines 25-26).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ device is an engine controlling device or an ACC control unit because it provides for centralized warning system for safety of the driver avoiding the danger of collision (See Menig et al. column 2, lines 21-29).

As to claim 8, Janky et al. as modified discloses wherein said gateway further comprises event message receiving means for receiving an event message delivered on the first network in response to an event or demand for reading in data (See abstract, wherein communication is taken place between device and network);

second memory means for storing data of said event message; and

periodic message sending means for delivering periodically the data stored in said second memory means as a periodic message on the second network (See column 10, lines 50-67, wherein “periodically” reads on “broadcast” which is done between networks on periodic basis, and wherein “first network” reads on “WAN”, and wherein “second network” reads on “WAN”, and wherein “change in value” constitute a “status” update or “alert” message between two network, also see abstract, teaching how trigger event generates a message, and see column 3, lines 61-67, prior art, teaches “event messages” are stored in the vehicle (i.e. LAN)).

Response to Arguments

6. Applicant's arguments filed on August 17, 2006 have been fully considered but they are not persuasive.

In response to Applicant's argument that “Janky et al. does not teach or suggest at least one device for periodically sending or receiving messages is connected” is acknowledged but not persuasive.

In light of the above claim objections with respect to the recitation of “for periodically”, “for sending”, “for receiving”, and “for delivering” which constitute intended use thus not carrying any patentable weight, the Examiner contends that Janky et al. teaches in column 3, lines 24-33, the receiver goes into a “sleeper” mode if no signals specifically addressed to that receiver are received within a selected time interval. The receiver is activated for receiving a control message by receipt of a receiver activation signal that may vary with the geographic zone

presently occupied by the receiver thus stating responders and receivers operating messages during a time interval reading on the argued limitaion.

In column 4, lines 44-46, and column 8, lines 45-46, Janky et al. discloses communicating messages at discreet times.

If the applicant intends to have the recitation carry patentable weight, it should be amended to be “to periodically” etc. Applicant’s use of “or” in the argued recitation is open-ended and suggest optionally thus only one option is required to take place.

In response to Applicant’s argument that “Janky et al. does not teach or suggest the gateway includes a periodic message receiving means for receiving messages that the first network sends periodically” is acknowledged but not persuasive.

Janky et al. discloses LAN/WAN communications/connections in column 5, lines 15-22, it is clear that a gateway is present between them to send/receive messages between the two separate networks. In column 10, lines 31-35, wherein Janky et al. discloses first user communicates with a Network Control Center, which then forwards the first user's message through a gateway Earth Station (GES), through the satellite network and through another GES, if appropriate, to a second user (the message recipient); thus reading on gateway communicating messages between LAN/WAN networks.

Janky et al. teaches, “selected time interval” which meet’s the applicant’s definition given on page 9 of the response to be “regular time interval”. There’s no indication in the claims that the time interval is automatic and set by the network and not user initiated at a user defined regular periods.

In response to Applicant's argument that "Menig et al. does not teach alone or in combinations the argued features above of claim 7" is acknowledged but not persuasive.

The Examiner points out the Menig et al. reference was introduced to teach the feature of an engine controlling device or an adaptive cruise control (ACC) controlling unit as explained in the above office action. More so, Menig et al. teaches if the level 2 condition still persists, the message center repeats the message after a pre-determined period of time has elapsed (i.e. the repeat time) in column 10, lines 15-32, line which reads on device that periodically sends or receives messages there's no definition in the claims as to the message being anything different than a warning or alert message.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2165

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Neveen Abel-Jalil
October 9, 2006

APU Mofiz
APU Mofiz
Primary Examiner
TC 2100